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Remarks

In response to the Office Action mailed June 2, 1997, an Affidavit is being submitted herewith which describes the circumstances surrounding the error relied upon by the reissue Applicant in this case, in response to the Examiner's objections in paragraph 3 on page 2 of Paper No. 3.

With regard to the claim defects, under 37 CFR §1.175(a)(3), however, it is Applicant's belief that the originally filed Affidavit of Michael R. Levine, in conjunction with the amendment filed with the application itself, adequately addresses this point. In particular, Mr. Levine states that due to the disclosure in the U.K. application of apparatus which automatically determine the proper control code for a cable box through the utilization of channel-change command, independent claim 1 has been amended to include energization determination (in contrast to channel-change) in response to a test control code, a feature not disclosed in the U.K. application. Claim 11 has also been reformulated in this regard, and newly added claims 16-22 are directed to a remotely controllable television receiver, an associated unit not considered by the U.K. application.

As to the Examiner's objection under 35 USC §251, the undersigned has not yet discussed this issue with Applicant, but will make reference to this point in a subsequent response.

Questions regarding this application may be directed to the undersigned Attorney using the telephone or facsimile numbers provided.

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